

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	8:11CR37
vs.	)	
	)	ORDER
GREGORY WALKER,	)	
	)	
Defendant.	)	

This matter is before the court on the defendant's motion to continue trial [31]. Defense counsel advises that a continuance is necessary because defendant was in treatment and counsel needs time to hire an expert and adequately prepare for trial. The defendant did not file an updated affidavit or declaration regarding speedy trial, as required by NECrimR 12.1(a). The district court's calendar can accommodate an extension to August 23, 2011.

**IT IS ORDERED** that the motion to continue trial [31] is granted as follows:

1. The jury trial now set for June 7, 2011 is further continued to **August 23, 2011**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **June 7, 2011 and August 23, 2011**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
3. Defendant shall file an updated affidavit or declaration regarding speedy trial, in compliance with NECrimR 12.1(a), no later than June 3, 2011.

**DATED May 31, 2011.**

**BY THE COURT:**

**s/ F.A. Gossett, III**  
**United States Magistrate Judge**